

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SUEELLEN LEDEN,

Plaintiff,

Case No. 21-cv-527-pp

v.

COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION,

Defendant.

**ORDER DENYING MOTION FOR LEAVE TO PROCEED WITHOUT
PREPAYMENT OF THE FILING FEE (DKT. NO. 3)**

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying her claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. She also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 3.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

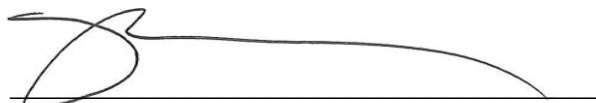
Based on the facts in the plaintiff's affidavit, the court concludes that she can pay the filing fee. The plaintiff's request indicates that she is not employed, she is not married and she has no dependents she is responsible for supporting. Dkt. No. 3 at 1. The only income listed by the plaintiff is \$900 per month in support from her ex-husband. *Id.* at 2. The plaintiff's stated monthly expenses total \$1,025 (\$730 rent, \$40-45 electric, \$30 phone, \$50 car

insurance, \$125 Walmart, \$45 pet expense). Id. at 2-3. The plaintiff owns a 2009 Ford Fusion worth approximately \$5,000 and she does not own her home. Id. at 3. Although the plaintiff's monthly expenses exceed her monthly income, the plaintiff states that she has \$45,000 in cash on hand or in a checking or savings account and that she has other property of value worth \$50,000 (although she does not indicate what that property is). Id. at 3-4. Based on the plaintiff's representation that she has \$45,000 in cash, savings, checking or a similar account, it appears that the plaintiff has the disposable income to pay the \$402 filing fee.

The court **DENIES** the plaintiff's motion for leave to proceed without paying the filing fee. Dkt. No. 3. The court **ORDERS** that the plaintiff must pay \$402 in time for the court to receive it by the end of the day on **June 11, 2021**. If the court does not receive the full filing fee, or a written explanation of why the plaintiff cannot pay it, by the end of the day on June 11, 2021, the court will dismiss the case on the following business day without further notice or hearing for failure to pay the required filing fee.

Dated in Milwaukee, Wisconsin this 17th day of May, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge